



United States  
Department of  
Agriculture

Food and  
Consumer  
Service

Mountain  
Plains  
Region

1244 Speer Blvd., Suite 903  
Denver, CO 80204-3585

Reply to  
Attn. of: SP 96-08

MAR 24 1996

Subject: Cooperation with Education Officials - Title I

To: STATE AGENCY DIRECTORS - Colorado ED, Iowa, Kansas, Missouri ED,  
(Child Nutrition Programs) Montana OPI, Nebraska ED, North Dakota,  
South Dakota, Utah, Wyoming ED

Section 108 of Public Law 103-448 authorizes the release of student free and reduced price school meal eligibility status for Federal and State education programs. Although we intend to promulgate regulations on the provision, we have not been able to publish the provision on a timely basis. Consequently, we are authorizing school officials, through this memorandum to cooperate with education officials collecting data for Title I purposes.

Under current policy, school food service officials may release aggregate information about the number of children eligible for free and reduced price meals. Additionally, we are now authorizing school food service officials to disclose the names of individual children who are eligible for free or reduced price meals, to officials collecting data for Title I allocation and evaluation purposes. While we are authorizing the release of this information, the final decision rests with local officials.

For allocation of funds under Title I, public schools are usually annually ranked according to the number of children eligible for free and reduced price school meals as an annual indicator of the socioeconomic status of the school's attendance area. While Title I funds are not disbursed to private schools, children from the attendance area who attend private schools may still be included in the total count of needy children living in the attendance area. Therefore, private schools that participate in the school nutrition programs may release the addresses, grade levels and eligibility status of children determined eligible for free and reduced price school meals to Title I officials. It should be noted that private schools would not need to release the names of free and reduced price eligible students, since addresses are sufficient to determine attendance areas.

While in some instances aggregate release of free and reduced price school meal information is sufficient, food service officials may be asked to provide the names and eligibility status of individual children for Title I evaluation purposes. Consequently, school food service officials may cooperate with education officials for evaluation of Title I services. The Department of

Education has been advised of this policy in the attached letter to Mary Jean LeTendre, Director of Compensatory Education Programs for that Department.

If you have any questions, please call our office at (303) 844-0355.

*for Edward F. Campbell*  
ANN C. DEGROAT  
Regional Director  
Child Nutrition Programs

Attachment

FEB 06 1996

Ms. Mary Jean LeTendre  
Director  
Compensatory Education Programs  
U.S. Department of Education  
Washington, D.C. 20202-6132

Dear Ms. LeTendre:

We have reviewed your request for disclosure of free and reduced price eligibility information for Title I purposes. After careful consideration of the issue, we have determined that, pending this Department's issuance of final regulations implementing Section 108 of Public Law 103-448, the Healthy Meals for Healthy Americans Act of 1994, administrators of Title I programs may have access to student free and reduced price eligibility information.

We anticipate publication of the proposed rule implementing these provisions in 1996. In the interim, for School Year 1995-96, we will cooperate with your efforts to obtain poverty data for Title I allocation and evaluation purposes by allowing access to free and reduced price eligibility information for education officials.

Please note that Section 108 as codified at Section 9(b)(2)(C)(iv) of the National School Lunch Act (42 U.S.C. §1758(b)(2)(C)(iv)) limits the information that may be disclosed to the eligibility status of the child, i.e., whether the child is eligible for free or reduced price meals. Parental consent is required prior to the release of any other information from the application. Additionally, because we are very much concerned with maintaining and abiding by the confidentiality provisions of the law, please ensure that education officials use free and reduced price eligibility information for Title I purposes only. We will assist in this effort by sending a memorandum to State education agencies asking them to inform school districts that they may release this information to Title I officials.

Also, we recognize that under Title I, schools are annually ranked according to poverty, using the number of children eligible for free and reduced price school meals as an annual indicator of the socio-economic status of the school's population. We will include in the memorandum a request that our State agencies remind school food authorities that they may continue to release aggregate data concerning children eligible for free and reduced price meals and encourage them to do so when requested. While aggregate release is

Ms. Mary Jean LeTendre

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permitted under our current policy, it is our understanding that getting poverty data for some children has been a problem in the past, particularly for those students who attend private schools. Private schools may release to Title I officials the addresses, grade levels and eligibility status of children determined eligible for free and reduced price school meals. Private schools would not need to release the names of free and reduced price eligible students, since addresses are sufficient to determine attendance areas.

We will provide you a copy of the memorandum that we issue to our State agencies. We plan to have a final rule in place for School Year 1996-97. When the proposed rule is published, we will send you a copy for your review and comments.

Sincerely,

**SIGNED**



Mary Ann Keeffe  
Deputy Administrator  
Special Nutrition Programs

cc: Rachel Bishop, OGC